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8	BEFORE THE BOARD OF REGISTERED NURSING
	DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 2013 - 159
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12	Stephanie Ann McGowin
13	Address of Record: P.O. Box 1982  A C C U S A T I O N
14	Brewton, Alabama 36427
15	Alternate Address: 100 Lanier Street
	Brewton, Alabama 36426
16	Registered Nurse License No. 599234
17	Respondent.
18	respondent
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20	Complainant alleges:
21	<u>PARTIES</u>
22	1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
23	official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24	Consumer Affairs.
25	2. On or about May 9, 2002, the Board of Registered Nursing issued Registered Nurse
26	License Number 599234 to Stephanie Ann McGowin ("Respondent"). The Registered Nurse
27	license expired on May 31, 2006 and has not been renewed.
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#### JURISDICTION AND STATUTORY PROVISIONS

- 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
  Department of Consumer Affairs, under the authority of the following laws:
- 4. Section 2750 of the Business and Professions Code (all section references are to the Business and Professions Code unless otherwise noted) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811 subdivision (b) the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118 subdivision (b) also grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Section 2761, which is part of Article 3 of the Nursing Practice Act, provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...."

#### COST RECOVERY

8. Section 125.3 provides, in pertinent part, that the Board, Registrar, or Director may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FIRST CAUSE FOR DISCIPLINE

# (Disciplinary Action by the Florida and Alabama Boards of Nursing)

- 9. Respondent is subject to disciplinary action under Section 2761 subdivision (a)(4) because the Florida Board of Nursing ("Florida Board") publically reprimanded and suspended her license to practice nursing in Florida in April 2007 and the Alabama Board of Nursing (Alabama Board) placed her on probation in 2006 for the same misconduct. The circumstances of the two Boards' disciplinary actions are as follows:
- 10. On or about April 26, 2007, the Florida Department of Health publically reprimanded and indefinitely suspended Respondent's Florida nursing license in a default proceeding entitled, Department of Health v. Stephanie Ann McGowin, R.N, case number 2006-09274 for testing positive for cocaine at a pre-employment drug screening in Century, Florida conducted on March 1, 2006. The Florida Board ordered her license suspended until she enrolled and participated in its state-run substance abuse intervention program for nurses.
- settlement agreement with Respondent to resolve its case entitled *In the Matter of: Stephanie Ann McGowin License No. 1-089938 2-044183 (Lapsed)*, case number 2006-0576. In that agreement, the Board found and respondent agreed that she had tested positive for cocaine on the same preemployment screening in Century, Florida in March 2006. As a result, the Alabama Board placed her license on probation for one year, contingent on her paying a fine, completing coursework on chemical dependency, abstaining from alcohol or drug use, and agreeing to random drug testing at least once-a-month for a year.
  - 12. The Alabama Board cleared Respondent's probation in October 2007.

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- In July 2011, January 2012, and June 2012, the California Board sent letters to Respondent's address of record and another address it obtained for her asking for proof of compliance with the Florida order; mitigation evidence, including letters of reference; and performance evaluations from employers. It received no response.
- Under Section 2761 subdivision (a)(4) the public reprimand and the indefinite 14. suspension of Respondent's Florida nursing license by the Florida Board and the placement of Respondent's Alabama nursing license on probations are grounds for the California Board to take disciplinary action.

### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 599234, issued to 1. Stephanie Ann McGowin;
- Ordering Stephanie Ann McGowin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code Section 125.3;
  - Taking such other and further action as deemed necessary and proper.

DATED: Septenker 5,2012

**Executive Officer** 

Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant

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